Equality and Human Rights Commission

Contents

Minutes of the 120th meeting of the Board of the EHRC.....2
Attending.....2
1. Chairwoman's introduction and apologies.....3
2. Declarations of interest.....3
3. Minutes of the 119th Board Meeting and 26 June Special Board Meeting.....3
4. Actions Arising.....3
5. Committee and Commissioner Working Group updates.....4
6. Chief Executive update.....5
7. Working with the New Government.....8
8. Approach to Business planning 2025/2026.....8
9. Corporate Key Performance Indicators (KPIs).....9
10. Papers for Note / AOB.....9

Minutes of the 120th meeting of the Board of the EHRC

Wednesday 18 September 2024 (13:00-16:30)
Rubens at the Palace, Buckingham Palace Road, Victoria, London

Attending

Commissioners

Kishwer Falkner (Chairwoman), Lesley Sawers (Interim Deputy Chair), Akua Reindorf, Alasdair Henderson, David Goodhart, Jess Butcher, Joanne Cash, Kunle Olulode, Martyn Jones, Su-Mei Thompson, John Kirkpatrick (Chief Executive)

Officers

Moya Alcock, Director of Communications
Cihan Altan, Chief of Staff
Miriam Bookman, Private Secretary to the Chair
Bill Malloy, Director of Finance, Governance and Planning
Amanda Topham, Head of Corporate Law, and Information Governance
Megan Griffiths, Senior Associate – Corporate Governance
Nicholas Joseph, Private Secretary to the Chief Executive
Anna Boaden, Director of Policy, Human Rights and Three Nations (item 9)
Beverley Reid, Head of Business Improvement (items 10 to 11)

Guests

Helen Anderson, Government Equality Hub

1. Chairwoman's introduction and apologies

1.1 The Chairwoman welcomed attendees to the meeting.

1.2 On behalf of the Board, the Chairwoman extended congratulations to the newly appointed Chief Executive.

1.3 No apologies were received.

2. Declarations of interest

2.1 The Scotland Commissioner declared an interest relating to her professional role, which she confirmed has been updated on the declaration of interests webpage.

2.2 Commissioner Reindorf reiterated an already declared interest relating to her academic fellowship.

3. Minutes of the 119th Board Meeting and 26 June Special Board Meeting

3.1 The Chairwoman sought approval for the 119th Board meeting minutes.

3.2 The Board approved the minutes of the meeting of the 119th Board meeting as an accurate record, subject to minor terminology amendments.

3.3 The Board approved the minutes of the 26 June Special Board meeting as an accurate record.

4. Actions Arising

4.1 The Board noted the action log.

4.2 The Chairwoman raised the matter of the progress of the framework document, and GEO were requested to provide expected timelines as soon as possible.

4.3 The Board noted that the final amendments to the Code of Conduct and Governance Manual would be progressed and

finalised by the Chairwoman, Deputy Chair and the Chairs of ARAC and P&WC and agreed by the Board by correspondence.

Action: Chairwoman, Deputy Chair, the Chairs of ARAC and P&WC to finalise 3 outstanding issues on the Code of Conduct and Governance Manual.

4.4 The Board discussed the following actions:

a) 118/9.6 – the lessons learned report is to be added to the library shelf, with comments from Board welcomed by correspondence.

b) 119/8.2 – The Board agreed that paragraph 7.2 in the Terms of Reference (TORs) for the Quality in Public Reporting Committee be updated to reflect that minutes will be shared with the full Board after each meeting. The Board approved the TORs with this amendment. The Board agreed that Commissioner Thompson would be chair, Commissioner Goodheart would be deputy chair, and Commissioner Cash, Commissioner Henderson, and the Chairwoman would be committee members. It is the intention of the Board that the committee would meet in November.

ACTION: Officers to share updated Quality in Public Reporting Committee Terms of Reference with Scotland and Wales Committee Chairs after updating paragraph 7.2.

5. Committee and Commissioner Working Group updates

5.1 The Board noted the Committee update papers.

5.2 The Chair of the Audit and Risk Assurance (ARAC) Committee:

a) provided an update and requested Board approval on two appointments of ARAC independent members. The Board agreed to appoint Reyaaz Jacobs (commencing on 1 October 2024 to 30 September 2026) and Donall Curtin, as reserve appointee to replace Charlotte Moar in November 2025.

b) updated members on the approval of the annual assurance report, emphasising that final decision-making responsibility relating to risk remains with the Board and that ARAC can only advise, monitor, and recommend.

5.3 The Chair of the People and Workplace Committee (P&WC) provided an update and highlighted:

a) the move to Tintagel House. The CEO updated the Board on the outcomes of the move and the Board approved the extension of the licence on Tintagel House in London until the end of the financial year (March 2025).

b) the upcoming Remuneration Committee and requested Commissioners to provide details of their working time to inform discussions on remuneration.

5.4 The Chair of the Commissioner Working Group on Human Rights Monitoring gave a verbal update and highlighted the submitted report to the Convention and the dialogue with the Committee which were both well received. He also highlighted that work continues on the new Human Rights tracker.

5.5 The Chairs of the Scotland and Wales Committees reported that a more substantive update from the September Committees will follow at the October Board meeting. The Chair of the Scotland Committee highlighted that the committee had met the new Scotland Minister for Equalities and the Interim Wales Committee Chair highlighted the new First Minister and other recent changes in the Senedd.

6. Chief Executive's update

6.1 The Board noted the CEO report.

6.2 The Chief Executive highlighted:

a) that the new Deputy CEO post is being advertised.

b) active steps taken in working with the new government. He outlined the engagement so far including with the Minister for Women and Equalities, Anneliese Dodds MP.

c) EHRC external work, including the toolkit on sexual harassment in orchestras and coverage of this on Radio 4.

d) his visit to Geneva to provide a formal statement from the Commission as NHRI to the committee examining the UK's compliance with CERD. Thanks were given to the Human Rights team for their work on this.

6.3 A query was raised regarding the difference between the responsibilities of the Minister of State (Minister for Women and Equalities) and the Secretary of State and Minister for Women and Equalities, in relation to role, remit, and appointment of the EHRC.

ACTION: GEO agreed to provide clarification on ministerial responsibilities.

6.4 A query was raised regarding the discriminatory advert guidance and whether changes have yet been made to the wording in this guidance after conflicting interpretations of the law had been reported by stakeholders. The Director of Communications reported that a decision was still to be taken.

ACTION: the Director of Communications, the Chief Executive and Commissioner Reindorf to meet to decide how the discriminatory advert guidance should be updated.

6.5 The Commission's regulatory activity was discussed including engagement with HM Treasury regarding Equality Impact Assessments of its Winter Fuel Payment policy, hosting of roundtables on Uniformed Services and AI, in addition to ongoing and potential s23 agreements.

6.6 The timing of the launch of the consultation on code of practice for public services being published externally was discussed. Government had indicated to the Commission that it should be delayed for an indeterminate time due to its anticipated legislative programme. It was, however, highlighted that, on the current programme, the revised code would not be laid in Parliament until March 2025, 15 years since it was produced and 3 years since the revisions were commissioned. The current code was recognised as being significantly out of date but was still being followed and therefore the Board felt that it was a priority for it to be amended as soon as possible. It was felt that the anticipated legislation would only give rise to minor changes in the code which could be reflected later; subsequent changes were considered not to lead to public confusion but to potentially increase public participation. In line with the

Commission's independent status, the Board felt that they had duly considered the Government's request but on balance unanimously agreed that the consultation should be launched as soon as possible, with timing for its launch to be determined by the Director of Communications, in consultation with the CEO and Chairwoman.

6.7 The Chief Executive provided a summary of the current financial position, noting that in the longer term unless some form of uplift is provided the Commission's budget will remain a significant constraint. Representations have been made to Cabinet Office to inform them of the current budget position.

7. Working with the New Government

7.1 The paper outlined the legislative priorities of the new government, the ‘five government missions’ and the opportunities that exist within these, related to EHRC’s role, remit and appointments. Priority legislative proposals of interest to the Commission included the Employment Rights Bill, and the Draft Equality (Race and Disability) Bill.

7.2 The possibility of a secondment of a member of staff into GEO to provide expert PSED advice was discussed but the Board was concerned that this could compromise the Commission’s impartiality. The Board emphasised that the Commission’s independence within this process remains a priority, in ensuring that we both engage constructively with the new government but also act as a critical friend if necessary.

7.3 The Board agreed to note the paper with decisions on appropriate action to be deferred until the Board had seen any draft legislation.

8. Approach to Business planning 2025/2026

8.1 The paper highlighted the proposed approach to completing and implementing the business plan in the next financial year and noted the interdependency of it with the publication of the strategic plan. It was noted that it was intended that there could be a grace period for the business plan allowing its slightly later publication to allow teams to ensure that planning at an operational and functional level reflects the strategic plan priorities.

8.2 The Board agreed to support this proposal.

9. Corporate Key Performance Indicators (KPIs)

9.1 The paper presented a new, more focused list of key performance indicators.

9.2 The Board approved the KPIs as written with the amendments noted in the meeting. The Board formally gave its thanks to the Head of Business Improvement and noted the clearer line of vision and improved performance reporting with the new KPIs.

10. Papers for Note / AOB

10.1 Given the upcoming changes to equality and employment legislation, it was noted that this may impact decision making on policy changes. The question was asked of whether there is currently anything in our internal staff policies that is unlawful that ought to be prioritised. It was confirmed that this was not the case.

10.2 It was decided that given the anticipated government legislation due to come forward, it would be prudent to pause any further changes to internal staff policies.

10.3 The Board agreed to read the internal staff policies and send any comments to the Chair of P&WC.

10.4 The Board approved the Whistleblowing policy.

10.5 The next Board meeting will take place in Manchester on the 16 October and will no longer require an overnight stay as it will be a one-day meeting.

10.6 The Chairwoman closed the meeting and thanked those in attendance for joining.